REMARKS/ARGUMENTS

Claims 1-27 remain in the application. Claims 1-3, 6, 9-11 and 13 are amended to correct antecedent basis issues. The amendments are supported by the claims as filed and no new matter is added by the amendments.

A. Claim Objections.

The amendments to claim 13 are believed to overcome the objection stated in the Office action.

B. Rejections under 35 U.S.C. 102.

Claims 1-18 and 20-34 were rejected under 35 U.S.C. 102 based upon Ellesson et al.. This rejection is respectfully traversed.

Independent claim 1, as amended, calls for appending at least one priority parameter to the at least one set of information and transmitting the at least one set of information across the network at least partially based on a priority value determined from the at least one priority parameter. At least these features of claim 1 are not shown or fairly suggested by the Ellesson reference.

Ellesson et al. describe an architecture in which an Edge Device classifies packets and then transforms the packets by changing a TOS header field or encapsulating the packets with IP header information that can be recognized by the backbone network. Neither of these methods involve the use of appended parameters as called for in claim 1. An appended parameter enables a great deal more flexibility in the determination of prioritization criteria as a nearly endless variety of information can be encoded as parameters appended to an information packet.

Ellesson et al. note that not all networks will recognize the TOS header. The work-around for this network limitation is the encapsulation of packets, which requires the packets to be un-encapsulated at the receiving end. In contrast, the invention of claim 1 uses appended parameters which do not require special support from common networks such as the Internet. Because existing, legacy, and future IP hardware are able to handle parameters, the

invention of claim 1 is not limited by the existence of hardware that does not support the TOS field. For at least these reasons claim 1 is neither anticipated nor made obvious by Ellesson et al.

Claims 2-12 that depend from claim 1 are believed to be allowable for at least the same reasons as claim 1 from which they depend as well as the limitations set out in those dependent claims.

Independent claims 13 and 20 call for, in varying language, determining for each request (message) whether a priority parameter is associated with the request (message) and converting the priority parameter to a first priority value. As noted above with respect to claim 1, Ellesson does not show or fairly suggest the use of appended parameters to communicate priority information, nor the conversion of priority parameters into a priority value. For at least these reasons claims 13 and 20, as well as claims 14-18 that depend from claim 13 and claims 21-24 that depend from claim 20 are believed to be allowable.

C. Rejections under 35 U.S.C. 103.

Claims 19 and 25-27 were rejected under 35 U.S.C. 103 based upon Ellesson et al. This rejection is respectfully traversed. The office action notes that Ellesson et al. do not teach converting priority information to a priority value or using the priority value to transmit the information. However, the Office action fails to state what changes would be required to modify Ellesson in order to meet the limitations of claim 19, or provide any support for where the suggestion and motivation to make such changes exists. The Office action seems to state that because data flow rates at the source and destination may differ, one would use different priority values. Even if this statement were true, however, it does not suggest any reason why one would modify Ellesson to convert priority information into a priority value as called for in claim 19. For at least these reasons claim 19 is not made obvious by Ellesson et al.

Claim 25 calls for, among other things, associating a priority value with each of a plurality of resources and tracking the priority values associated with

individual resources requested by the user. This feature of claim 25 is not shown or suggested by Ellesson.

Although the Office action states that Ellesson uses an edge device to monitor and track the "parameters of priority" However, the cited portion of Ellesson does not hint at tracking the priority values associated with individual resources. With respect to dependent claims 26 and 27, Applicant contests the statement that it is well known to determine composite priority value based at least partially upon the priority values of each of the resources that are requested. Nothing in Ellesson suggests this feature. It is respectfully requested that the rejection of claims 25-27 be withdrawn or supported with appropriate prior art references.

D. Conclusion.

The references that were cited but not relied upon are no more relevant than the references that were relied upon. In view of all of the above, claims 1-27 are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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